

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION



Board of Zoning Appeals Staff Reports 2021

**Monday, October 18, 2021
7:00 P.M.
City Hall Forum**

**Agenda
Board of Zoning Appeals
Springfield, Ohio
Monday, October 18, 2021
7:00 P.M.**

1. Call to Order

2. Roll Call

3. Approval of September 20, 2021 Meeting Minutes ACTION

4. Swearing In of Witnesses ACTION

5. Case #21-A-37

A conditional use permit is requested by the applicant to use the commercial property as an automobile and truck oriented use (Gas Station) at 1220 E Home Rd. in a CC-2, Community Commercial District.

DISCUSSION
& ACTION

8. Case #21-A-38 (On hold. Pending information from applicant. Will be heard at November meeting.)

14. Board Comments

DISCUSSION

15. Staff Comments

DISCUSSION

16. Adjourn – Next meeting is November 15, 2021

ACTION

2021 Board of Zoning Appeals Call to Order: Roll Call

Name	Term Expiration
Mark Brown	03/13/2024
James Burkhardt	03/31/2024
Rhonda Zimmers	01/06/2022
Dori Gaier	05/11/2022
Denise Williams	08/02/2022
Charles Harris	03/26/2022
Matthew Ryan	08/11/2023
Quorum - 4	

BOARD OF ZONING APPEALS

Springfield, Ohio

Monday, September 20, 2021

7:00 P.M.

City Hall Forum

Meeting Minutes

(Summary format)

Chairperson Ms. Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. James Burkhardt, Ms. Rhonda Zimmers, Mr. Charles Harris, Mr. Mark Brown, Mr. Mathew Ryan and Ms. Dori Gaier.

MEMBERS ABSENT: Ms. Denise Williams.

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator
Cheyenne Shuttleworth, Community Development Specialist.

* * * * *

SUBJECT: Approval August 16, 2021 meeting minutes.

Ms. Gaier asked if the Board had any corrections or additions to add to the minutes.

Hearing none, Ms. Gaier asked the Board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Gaier asked if any opposed to voice nay. Hearing none, Ms. Gaier stated the minutes stand approved.

Case #21-A-32 A conditional use permit for an automotive oriented use (tire shop) is requested by the applicant at 2202 N Bechtle Ave in a CC-2, Community Commercial District.

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

When the original plan for this area was approved, it was designated to be a gas station.

The development is proposed to have access to the Hobby Lobby lot to the north.

The amended site plan; a tire shop; was approved unanimously by city planning board and is pending approval from the city commission.

The request had received a tie in votes at the July 19, 2021 BZA meeting.

RETURNED REPORTS FROM STAFF:

City Manager's Office:	Recommend denial; shall be detrimental to traffic flow and control.
City Service Department:	Recommend approval; developer must provide access to the Walmart parking lot before a building permit will be issued.
City Police Department:	Recommends approval with no objections.
City Fire Department:	Recommends approval with no objections.
City Building Department:	Recommend approval; all building comments will be addressed during the permit process.
City Community Development Department:	Recommends approval with no objections.

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Ms. Agwan.

Ms. Gaier asked if the staff was requiring access directly to the Walmart parking lot but the developer is saying the access would be to Hobby Lobby's parking lot.

Ms. Agwan stated that was correct.

Ms. Zimmers asked if there was a reason they were not connecting to the Walmart parking lot.

Ms. Agwan stated it was mentioned in the future plans but nothing was submitted with the application.

Ms. Gaier pointed out the future drive access on the picture presented on the screen.

Ms. Gaier asked if the board had any further questions. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak.

Mr. Jim Pfeiffer, Attorney, 20 South Limestone Street. Springfield, Ohio.

Mr. Pfeiffer explained there had been some confusion about the access and there was conversation with Mr. Steve Thompson from the city about the access. Mr. Pfeiffer explained the city manager's office stated the access did not need to be created into the Walmart parking lot. Mr. Pfeiffer explained there were two reasons why that's the case. The First reason, the owner of the property in question, does not have the ability to create the access. Mr. Pfeiffer explained the shopping center developer does have the ability and there was a commitment made to make that access when the larger parcel to the north was developed, about seven acres. Mr. Pfeiffer explained the area was very small and would generate very little traffic. Mr. Pfeiffer explained there would be no traffic issues. Mr. Pfeiffer explained the access point comes from Bechtel that would go directly into the parking lot. Mr. Pfeiffer explained there would be a drive along the Hobby Lobby parking lot which would give access to the building as well. Mr. Pfeiffer explained the second reason was cost of adding the access. Mr. Pfeiffer explained Walmart was not in a hurry to allow access. Mr. Pfeiffer explained it's a major expense that requires a bridge. Mr. Pfeiffer explained they felt it was an appropriate use for the property, it would not generate as much traffic as a gas station.

Ms. Gaier asked if the board had any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Mr. Brown made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-32.

MOTION: Motion by Mr. Burkhardt to approve Case #21-A-32 A conditional use permit for an automotive oriented use (tire shop) is requested by the applicant at 2202 N Bechtel Ave in a CC-2, Community Commercial District. Seconded by Mr. Harris.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. Concerns about traffic with all the businesses but concerns were met with other entrance.
2. Appropriate use for space.
3. No objections.

YEAS: Mr. Ryan, Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, and Ms. Gaier.
NAYS: None.

Motion approved.

Case #21-A-36 The applicant is requesting a variance from the front setback required for the porch at 1321 Sunset Ave. in a Residential use, RS-5 District.

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

The applicant claims to have had no knowledge of setback requirements and had the contractors' complete work.

The front porch was found not in compliance while reviewing plans and applicant was notified. The applicant is stating economic hardship and health disability as a factor in considering the request.

RETURNED REPORTS FROM STAFF:

City Manager's Office: Recommends approval with no objections.

City Service Department: Recommends approval with no objections.

City Police Department: Recommends approval with no objections.

City Fire Department: Recommends approval with no objections.

City Building Department: Recommends approval with no objections.

City Community Development Department: Recommend Approval. (Refer point 2 of analysis)

ANALYSIS and STAFF RECOMMENDATION:

No variance from the strict application of any provision of this Springfield Zoning Code which permits the use of land which is prescribed or which will result in a use of land in a manner inconsistent with the basic character of the district in which such land is located, shall be granted by the Board unless it finds that strict application of this Springfield Zoning Code would result in unnecessary hardship. The Board shall find unnecessary hardship only when all the following facts and conditions exist:

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

Staff Comment: Yes it can yield a reasonable return and there can be beneficial use of the property without the variance. There is a hardship since the porch is already built and the porch cannot be built within minimum setback.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

Staff Comment: The variance is not substantial. The length requested varies from minimum requirement by 20%. This is less than 28% that is considered for analyzing the request.

1150.03 (6) (b) A variance may not be granted for more than a 28 percent reduction of the required yard without applying other conditions of Chapter 1172.06.

3. An approval of the request will not alter or suffer a substantial detriment to the character of the neighborhood. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

Staff Comment: No.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

Staff Comment: It will not.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

Staff Comment: Owner was not aware of zoning restrictions.

6. There is no other feasible method of solving the property owner's predicament.

Staff Comment: No.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the variance request.

Ms. Gaier asked if the board had any questions for Ms. Agwan.

Ms. Gaier asked how the case was brought to the city.

Ms. Agwan explained the applicant's contractor submitted the plans for the deck and it was found that the deck did not meet the minimum setback requirements.

Ms. Gaier asked if the board had any further questions for the applicant. Hearing none, Ms. Gaier asked if the applicant's agent or applicant wished to speak.

Ms. Tracy Barker, 1321 Sunset Avenue. Springfield, OH, 45505.

Ms. Barker explained she thought the contractor new the zoning requirements and would do what was right. Ms. Barker explained she was unaware of any setback requirements. Ms. Barker explained she went around to several homes in the area and there were other porches that did not

meet the required setbacks either. Ms. Barker explained she was just trying to make her home beautiful and add to the neighborhood.

Ms. Ann Marie Olenhausen, 130 Prairie Avenue. Springfield, OH.

Ms. Olenhausen explained they were unaware of the setback requirements and hopes the board votes that she can have her porch to beautify her property.

Ms. Gaier asked if the board had any questions. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Mr. Brown made a motion to close the public hearing. Seconded by Mr. Burkhardt. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-36.

MOTION: Motion by Mr. Harris to approve Case # 21-A-36 a variance from the front setback required for the porch at 1321 Sunset Ave. in a Residential use, RS-5 District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. No objection.
2. Porch is half way done.
3. The porch doesn't look out of place.

YEAS: Mr. Ryan, Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, and Ms. Gaier.

NAYS: None.

Motion approved.

Case #21-A-37 A conditional use permit is requested by the applicant to use the commercial property as an automobile and truck oriented use (Gas Station) at 1220 E Home Rd. in a CC-2, Community Commercial District.

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

The applicant received rezoning approval to a CC2 zone which allows property use as gas stations under the automobile oriented uses as a conditional use.

The buyer plans to keep the existing office and add a convenience store, restaurant, car wash, and fuel pumps.

RETURNED REPORTS FROM STAFF:

City Manager's Office:

No objections.

City Service Department: No objections.

City Police Department: No objections.

City Fire Department: Pending comments.

City Building Department: No objections.

City Community Development Department: Recommend approval. (Refer analysis)

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use request.

Ms. Gaier asked if the board had any questions.

Ms. Zimmers asked if there were any objections from the community.

Ms. Agwan stated there were no objections.

Ms. Gaier asked if the board had any further questions for Ms. Agwan. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak.

Ms. Judy Jackson, Springfield Gastroenterology, 2355 Derr Road, Springfield, OH. 45503

Ms. Jackson explained they did not have any objections, only concerns. Ms. Jackson explained the location of their property joined the long strip of land on the property where the car wash would go. Ms. Jackson explained it was a known flood area. Ms. Jackson explained they put in a new medical building in 2017 and there was runoff from the above mentioned property. Ms. Jackson explained thousands of dollars was spent tearing up their parking lot to add a basin on the property for the runoff coming from the other property. Ms. Jackson explained they are concerned about a carwash going on the property because of the runoff issue. Ms. Jackson explained they hope they

would put in the proper drainage to avoid flooding their property again. Ms. Jackson explained the other concern was security. Ms. Jackson explained there had been numerous break-ins to the employees and patients vehicles. Ms. Jackson explained Ronez Housing Development was not far from the buildings and believed a lot of the crime was coming from there. Ms. Jackson explained she hoped the company would take the proper precautions and install fencing, security cameras and lighting.

Ms. Gaier asked if there was anyone who wished to speak.

Mr. Ryan asked if there were any objections from the engineering department.

Ms. Agwan stated there were no objections from the engineering department.

Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Mr. Ryan made a motion to close the public hearing. Seconded by Mr. Burkhardt. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-37.

MOTION: Motion by Ms. Zimmers to approve Case #21-A-37 A conditional use permit is requested by the applicant to use the commercial property as an automobile and truck oriented use (Gas Station) at 1220 E Home Rd. in a CC-2, Community Commercial District. Seconded by Mr. Ryan.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. No objections from neighbors.
2. Security Concerns
3. Good use for parcel, engineering will address site development including retention.

YEAS: Mr. Ryan Mr. Brown, Ms. Gaier.

NAYS: Ms. Zimmers, Mr. Burkhardt, Mr. Harris.

Motion tabled.

Case #21-A-39 The applicant is requesting a variance to install a roof sign at 31 N Sycamore St. in a CI-1, Intensive Commercial District.

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

The applicant is requesting to install a roof sign in CI-1 zone in a Commercial Arterial Sign District.

RETURNED REPORTS FROM STAFF:

City Manager's Office:	No objections.
City Service Department:	No objections.
City Police Department:	Recommends approval with no objections.
City Fire Department:	Pending comments.
City Building Department:	No objections.
City Community Development Department:	Recommend Denial of the request. (Refer 2 of analysis)

ANALYSIS and STAFF RECOMMENDATION:

No variance from the strict application of any provision of this Springfield Zoning Code which permits the use of land which is prescribed or which will result in a use of land in a manner inconsistent with the basic character of the district in which such land is located, shall be granted by the Board unless it finds that strict application of this Springfield Zoning Code would result in unnecessary hardship. The Board shall find unnecessary hardship only when all the following facts and conditions exist:

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

Staff Comment: The property in question can yield a reasonable return and there can be beneficial use of the property without the variance. There is no evident hardship as there are options to solve owner's predicament.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

Staff Comment: It is substantial. The sign proposed is prohibited under the zoning code ordinance of City of Springfield.

1155.02 (r) (3) Roof sign. A sign erected upon or above a roof of a building and affixed to the roof.
1155.05 (g) Prohibited signs- Roof signs.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

Staff Comment: It will not have an impact on surrounding properties.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

Staff Comment: The request will not affect governmental services.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

Staff Comment: Yes. The consulting sign agency approached city with questions on sign permit.

6. There is no other feasible method of solving the property owner's predicament.

Staff Comment: Yes there are options.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Staff Comment: No.

STAFF RECOMMENDATION:

Denial of the variance request.

Ms. Gaier asked if there were specific reasons for denial or just that other options were available.

Ms. Agwan explained the reason to install the sign was because it's a main entrance to the building. Ms. Agwan explained the other option would be wall signs.

Ms. Gaier asked if the board had any questions for Ms. Agwan. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak.

Mr. Jim Jackson, owner of Signs Now Dayton, 5454 Creekbend Drive, West Chester, OH 45069.

Mr. Jackson explained the proposal of putting the sign above the building was because there wasn't enough wall space for the sign in the vicinity of the entrance. Mr. Jackson explained there was a warehouse wall that could potentially be used but it's not at the entrance. Mr. Jackson explained the sign would be an aluminum sign with painted dimensional letters. Mr. Jackson explained they would look attractive and add to the curb appeal of the building. Mr. Jackson explained the area was chosen because there was no other option for the first floor to show access to the entrance. Mr. Jackson explained the entrance was tucked back and was not as visible from the street.

Ms. Zimmers asked if the board was illuminated.

Mr. Jackson stated it would not be illuminated. It would be an aluminum sign with fabricated letters to show depth.

Mr. Ryan asked what the height of the sign would be.

Mr. Jackson stated he did not have the exact numbers in front of him but stated the sign would be around fourteen feet high.

Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Mr. Burkhardt made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-39.

MOTION: Motion by Ms. Zimmers to approve Case#21-A-39 a variance to install a roof sign at 31 N Sycamore St. in a CI-1, Intensive Commercial District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. Not going to hurt the look of the neighborhood.
2. Mostly visible from parking lot.
3. Best placement for the sign.

YEAS: Mr. Ryan, Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, and Ms. Gaier.

NAYS: None.

Motion approved.

Case #21-A-40 A conditional use permit is requested by the applicant at 625 N Limestone St. to have dwelling units above a restaurant in a CC-2, Community Commercial District.

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

The applicant is requesting to use the upper floors of structure as apartments. The current use of space above the existing restaurant is used as a catering area. There were dwelling units that were converted to catering area in the past.

RETURNED REPORTS FROM STAFF:

City Manager's Office: Recommends approval.

City Service Department: Recommends approval.

City Police Department: Recommends approval.

City Fire Department:

Pending comments.

City Building Department:

Recommends approval with no objections.

City Community Development Department: Recommends approval. (See analysis)

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak.

Mr. Kevin O'Neill, owner of 625 North Limestone Street, Springfield, OH.

Mr. O'Neill explained he had owned the property for the last twenty years. Mr. O'Neill stated when the property was purchased, it was the Al' Gaier funeral home and there was apartments above the funeral home. Mr. O'Neill explained when they had a fire at their business on the corner of Limestone and College Avenue, they needed to move to the restaurant next door because they had nowhere else to go. Mr. O'Neill explained the entire building was sprinkled and there was no objections from staff. Mr. O'Neill explained they planned to return to what was originally there. Mr. O'Neill explained they had not really been open since the Covid-10 pandemic hit. Mr. O'Neill explained they also ran a catering company out of the building and the demand for the restaurant was not there. Mr. O'Neill explained they wanted to return the apartments to make the building profitable and leave the downstairs as a pizza and carry out restaurant.

Ms. Zimmers asked if there would be enough parking for residents and the business.

Mr. O'Neill stated there were currently over fifty parking spots and there would be plenty. Mr. O'Neill explained the residents would have designated parking spots. Mr. O'Neill explained the residents would also have their own designated entrance and would not go through the business.

Ms. Gaier asked if the restaurant would be re-opening.

Mr. O'Neill stated they hoped to re-open one day.

Ms. Gaier asked if the board had any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Mr. Brown made a motion to close the public hearing. Seconded by Mr. Harris.
Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-40.

MOTION: Motion by Mr. Burkhardt to approve Case #21-A-40 A conditional use permit is requested by the applicant at 625 N Limestone St. to have dwelling units above a restaurant in a CC-2, Community Commercial District. Seconded by Mr. Harris.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. Previously used as apartments before renovation.
2. No objection from neighbors.
3. Plenty parking and separate access from restaurant.
4. Need for housing.

YEAS: Mr. Ryan, Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, and Ms. Gaier.

NAYS: None.

Motion approved.

Case #21-A-42 A conditional use permit is requested by the applicant at 950 N Bechtle Ave to have Electronic Message Centre sign faces (EMCs- Multicolor) installed on new sign in a CC-2, Community Commercial District.

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

The applicant is requesting to install a multi-color electronic message center in a CC-2 zone in a Commercial Arterial Sign District. The sign would mount onto existing pole on property.

RETURNED REPORTS FROM STAFF:

City Manager's Office: Recommends approval with no objections.

City Service Department: Recommends approval with no objections.

City Police Department: Recommends approval with no objections.

City Fire Department: Recommends approval with no objections.

City Building Department: Recommends approval with no objections.

City Community Development Department: Recommends approval. (Refer analysis)

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Gaier asked if the applicant wished to install the sign directly on the building.

Ms. Agwan explained they would be installing it on the existing pole.

Ms. Gaier asked if the board had any questions for Ms. Agwan. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak.

Mr. Brandon James, James Flooring, 3828 Miller Road, Springfield, OH. 45502.

Mr. James explained the previous sign caught on fire and they are in need of a new sign. Mr. James explained they did not need a new pole and the biggest change would be the LED sign on both sides. Mr. James explained they had not received any complaints in several years. Mr. James explained they were able to get the brightness issues worked out. Mr. James stated he was not asking for full motion, it would be static and only change every eight seconds. Mr. James explained they really just want to replace what they had and match the other side.

Mr. Ryan asked if the sign would be the same size.

Mr. James stated it will be really close to the same size but may vary a little.

Ms. Zimmers questioned if the sign would have a dimmer at night.

Mr. James stated the dimmer was automatic. Mr. James explained there were issues previously with brightness but they figured that out and have the dimmer on automatic.

Ms. Gaier asked if the board had any further questions. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Burkhardt. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-42.

MOTION: Motion by Mr. Harris to approve Case #21-A-42 A conditional use permit is requested by the applicant at 950 N Bechtle Ave to have Electronic Message Centre sign faces (EMCs-Multicolor) installed on new sign in a CC-2, Community Commercial District. Seconded by Mr. Burkhardt.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. Replacing an existing sign.
2. No objections.
3. Updating the sign to reflect on both sides.

YEAS: Mr. Ryan, Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, and Ms. Gaier.

NAYS: None.

Motion approved.

Case #21-A-43 The applicant is requesting a variance to keep an emotional support animal (pig) on residential property at 926 Sherman Ave in a RS-8, Medium-Density, Single-Family Residence District.

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

The applicant was found to be in violation of zoning code for keeping a pig within residential property. The applicant reached out to the city and applied for a variance from the zoning code to keep the pig as an emotional support animal.

RETURNED REPORTS FROM STAFF:

City Manager's Office:

Recommends denial. There is no evidence in form of Letters which usually come from a medical professional. There is no evidence that the pig is registered as an emotional support animal.

City Service Department:

No objections.

City Police Department:

Recommend denial. According to 1735.01 of the Codified Ordinances of Springfield, only the Health Commissioner can approve the keeping of hogs within the city. Furthermore, there is no official documentation to designate the hog in question as an emotional support animal. If the city government allows this, it would have to do so in all similar cases (emotional support lion, alligator, etc.)

City Fire Department:

Pending comments.

City Building Department:

No objections.

City Community Development Department: Recommend Denial. (Refer analysis)

ANALYSIS and STAFF RECOMMENDATION:

No variance from the strict application of any provision of this Springfield Zoning Code which permits the use of land which is prescribed or which will result in a use of land in a manner inconsistent with the basic character of the district in which such land is located, shall be granted by the Board unless it finds that strict application of this Springfield Zoning Code would result in unnecessary hardship. The Board shall find unnecessary hardship only when all the following facts and conditions exist:

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

Staff Comment: The property in question can yield a reasonable return and there can be beneficial use of the property without the variance. The demonstrable hardship as stated by the applicant lacks evidence that the pig is a registered emotional support animal.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

Staff Comment: The variance is substantial as according to 1735.01 of Codified Ordinances of City of Springfield, only the Health Commissioner can approve the permission to keep pigs within city.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

Staff Comment: As pigs are not permitted on properties less than 3 acres the variance requested is

substantial. Having pigs on property will be detrimental to character of neighborhood. 1135.26 states that all other livestock and non-carnivorous animals; with exception of Domestic dogs, domestic cats, fish, and honeybees (apis mellifera); shall only be kept on parcels three acres or more.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

Staff Comment: It will not affect governmental services.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

Staff Comment: Yes.

6. There is no other feasible method of solving the property owner's predicament.

Staff Comment: no.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Staff Comment: No.

STAFF RECOMMENDATION

Denial of variance request.

Ms. Gaier asked if the board had any questions.

Mr. Ryan asked if the request was for a variance from the zoning, to allow for the animal on the property.

Ms. Agwan stated that was correct, the zoning code does not allow a pig on residential property with less than three acres.

Mr. Ryan stated there was no zoning with less than three acres that would allow a pig on a residential property with less than three acres.

Ms. Zimmers questioned if there were any other known farm animals within the city limits.

Ms. Agwan stated she was unaware of any other farm animal in the city but the police department had expressed their concerns about it setting a precedence and any other cases would have to be approved.

Ms. Gaier explained in her duration on the board, there had never been any farm animals approved

to be a on a property within side the city. Ms. Gaier mentioned there was a case about having chickens and they were not approved.

Mr. Ryan asked if the board approves the variance request, would the health commissioner still have to approve having that type of animal within the city.

Ms. Agwan stated that was correct.

Mr. Ryan asked if the neighbors were made aware of the case.

Ms. Agwan stated that was correct.

Ms. Gaier asked if there were any complaints from the surrounding neighbors.

Ms. Agwan stated she did not receive any complaints but asked if Ms. Shuttleworth had received any complaints in the Code Enforcement Division.

Ms. Shuttleworth explained Code Enforcement had received a couple different citizen complaints.

Ms. Gaier asked if the board had any questions for Ms. Agwan. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak.

Ms. India Stanford, 926 Sherman Avenue. Springfield, OH.

Ms. Stanford explained she had Jasper for two years and no one had ever complained. Ms. Stanford was very tearful and her sister had to step in.

Ms. Kalie Stanford, 240 East College Avenue. Springfield, OH.

Ms. Stanford explained the property had been in her family for as long as she could remember. Ms. Stanford explained they have never received a complaint about Jasper the pig for the entire two years they have had him. Ms. Stanford explained the pig belonged to her sister and she has had him since he was born, he is her emotional support pig. Ms. Stanford explained they were unaware they were not allowed to have him and he is kept in his own area. Ms. Stanford explained he is a mini pig. Ms. Stanford stated he was not a nuisance. Ms. Stanford explained they received complaints about the property and they have cleaned the property up. Ms. Stanford explained the pig had temporarily been relocated and he is now depressed. Ms. Stanford explained her sister had recently went through a lot of hardships and being without her pig has caused her a great deal of pain. Ms. Stanford stated Jasper the pig was loved by all the neighbors and were unaware of complaints being made.

Mr. Tyler Collins, 240 East Collage Avenue. Springfield, OH.

Mr. Collins explained Jasper was very much like having a dog, he is vaccinated and fixed. He is loved by everyone.

Ms. Leah Perez, 926 Sherman Avenue. Springfield, OH.

Ms. Perez explained Jasper was not a nuisance and was so loved by his neighbors and family. Ms. Perez explained Jasper lived in the house for a long time but needed more space. Ms. Perez explained she had made complaints about animals in the neighborhood attacking her and her family and those people were able to keep the dogs. Ms. Perez explained she didn't understand why Jasper was being taken away because Jasper was not violent and wouldn't hurt anyone. Ms. Perez explained he was so loved.

Mr. Eric Crowley, 1223 Gonder Street. Springfield, OH.

Mr. Crowley explained he had the pleasure of watching the pig grow since he was a baby. Mr. Crowley explained he was the size of a small dog. Mr. Crowley explained he was loved by all in the neighborhood.

Ms. Brandy Rollin, 1223 Gonder Street. Springfield, OH.

Ms. Rollin explained she has also watched the pig grow up and he was very sweet. Ms. Rollin explained the pig acted more like a dog and was not a problem. Ms. Rollin explained she really missed Jasper. Ms. Rollin explained they have birthday parties for Jasper and she takes him everywhere. Ms. Rollins asked the board to let her friend have her pig back.

Mr. Joe Stanford, 926 Sherman Avenue. Springfield, OH.

Mr. Stanford explained the pig had been vaccinated and neutered. Mr. Stanford explained Jasper did everything with his daughter. Mr. Stanford explained his daughter really loves Jasper and they have never had any problems, the neighborhood loves him. Mr. Stanford explains he is more well behaved than the dogs in the neighborhood. Mr. Stanford explained he was very clean and their yard never had any odors.

Ms. Gaier asked if there was anyone else that wished to speak.

Mr. Ryan stated he wanted to make sure he knew exactly what the board was voting on. Mr. Ryan explained the request was for a variance to allow for a pig on less than three acres, however even if the variance is permitted, the health commissioner still has to give permission to keep the pig within the city limits.

Ms. Agwan stated that was correct and if approved, every case after would need to be approved as well for any emotional support animal.

Ms. Gaier stated that was one of her questions, if the emotional support animal is approved, all other emotional support animal cases would be approved.

Mr. Brown explained the board can approve it but it is up to the health commissioner for the final say.

Ms. Gaier stated that was correct.

Ms. Agwan explained the case lacked evidence stating the pig was registered as an emotional support animal.

Ms. Stanford explained they do have papers for Jasper the pig and they could be shown to the board. Ms. Stanford tried to give the paperwork to the code enforcement officer and he refused.

Mr. Stanford stated the papers were from a doctor.

Ms. Gaier questioned if the case was approved based off the animal being an emotional support animal, that's very specific. Ms. Gaier stated that would mean that not just any animal would be an approval.

Ms. Agwan stated it would set the precedence for emotional support animals.

Ms. Zimmers asked what requirements were used to consider be considered for approval by the health commissioner.

Ms. Agwan stated she was unsure of the criteria used for consideration.

Mr. Harris explained he had a service dog and they are very strict on the requirements.

Mr. Brown stated each case is different and he doesn't believe approval would set a precedence.

Ms. Gaier explained it doesn't mean every case has to be approved, it would just be the first approval of its kind and could set a precedence and would be referred too.

Mr. Brown explained he understood but he wanted to make sure that it was stated that each case is different.

Mr. Ryan asked if there was any feedback from the health commissioner.

Ms. Agwan explained the mention of the health commissioner was given by the police department.

Ms. Zimmers asked where the original complaint came from.

Ms. Shuttleworth explained the complaint came from a citizen and they are all anonymous.

Ms. Zimmers stated she wasn't sure if a police officer reported it.

Ms. Shuttleworth explained if it was reported by anyone other than a citizen, it would be listed as an agency complaint.

Ms. Perez explained Ms. Stanford just got out of a bad relationship and that's when the complaints

started. Ms. Perez explained the man lives in Dayton.

Ms. Gaier asked if the board had any further questions. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Mr. Brown made a motion to close the public hearing. Seconded by Mr. Harris
Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-43.

MOTION: Motion by Ms. Zimmers to approve Case #21-A-43 The applicant is requesting a variance to keep an emotional support animal (pig) on residential property at 926 Sherman Ave in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Ryan.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There's a difference between a pet pig and one used as live stock.
2. Setting a precedence is not a concern because it's a case by case basis.
3. Neighbors showed up in support of having the pig.
4. No one showed up to meeting with any objections.
5. Applicant had papers from doctor for having an emotional support pig.

YEAS: Mr. Ryan, Ms. Zimmers, Mr. Burkhardt, Mr. Harris, Mr. Brown, and Ms. Gaier.

NAYS: None.

Motion approved.

Board Comments: Board members discussed the cases from the evening.

Staff Comments: None.

Subject: Adjournment

Mr. Brown made a motion to adjourn the meeting. Seconded by Ms. Zimmers.

Ms. Gaier adjourned the meeting at 8:28 p.m.

Ms. Dori Gaier, Chairperson
Ms. Denise Williams, Vice-Chairperson

Agenda Item # 5

Case #21-A-37

Conditional Use

STAFF REPORT

TO: Board of Zoning Appeals

DATE: October 15, 2021

SUBJECT: **Case #21-A-37**

PREPARED BY: Vaidehe Agwan

GENERAL INFORMATION:

Applicant: Thanh Le, Pho Xinh Co, LLC, 1125 Green Tree Dr,
Dayton, Ohio. 45429

Owner: Gary Thomas, 4624 N Plateau Dr., Springfield, Ohio.
45502

Request: Conditional use permit for an automobile and truck
oriented use (Gas Station).

Location: 1220 E Home Rd.

Size: 0.995 acres

Existing Land Use and Zoning: Commercial, CC-2

Surrounding Land Use and Zoning: North: Commercial; CO-1, OPD-H
East: Commercial; CO-1
South: Planned Development; PD
West: Commercial; CO-1

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional
Uses

File Date: August 31, 2021

BACKGROUND:

The applicant received rezoning approval to a CC2 zone which allows property use as gas stations under the automobile oriented uses as a conditional use.

The buyer plans to keep the existing office and add a convenience store, restaurant, car wash, and fuel pumps.

The request received a tie in votes at the September 16, 2021 board of Zoning Appeals meeting and will be reheard at the October 18, 2021 meeting.

RETURNED REPORTS FROM STAFF:

City Manager's Office: No objections.

City Service Department:	No objections.
City Police Department:	No objections.
City Fire Department:	Pending comments.
City Building Department:	No objections.
City Community Development Department:	Recommend approval. (Refer analysis)

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways,

streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

Staff recommends approval of the conditional use request.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application



FOR OFFICE USE ONLY

Case #: _____
Date Received: _____
Received by: _____
Application Fee: \$ _____
Review Type: _____
☐ Admin ☐ CPB ☐ BZA

GENERAL APPLICATION

A. PROJECT

1. Application Type & Project Description (*attach additional information, if necessary*):

Commercial property use for Gas Station

2. Address of Subject Property: 1220 E Home Rd, Springfield, OH 45503

3. Parcel ID Number(s): 3400300025314035, 3400300025314036, 3400300025314039

4. Full legal description attached? ☐ yes ☒ no

5. Size of subject property: 2.33

6. Current Use of Property: commercial building on 1 lot, vacant 2 lots

7. Current Zoning of Property: Commercial

B. APPLICANT

1. Applicant's Status (*attach proof of ownership or agent authorization*) ☒ ~~XXXXXX~~ Buyer

☐ Agent (*agent authorization required*) ☐ Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): Thanh Le

Title: buyer of property

Company (if applicable): Pho Xinh Co, LLC

Mailing address: 1125 Green Tree Dr,

City: DAYTON, State: OH ZIP: 45429

Telephone: () ~~XXX-XXX-XXXX~~ 937.409.0716 Fax: () _____

Email TLE3609@gmail.com

City of Springfield ■ Community Development Department ■ Planning & Zoning Division

3. If the applicant is agent for the property owner:

Name of Owner (title holder): Gary A Thomas

Mailing Address: 4624 N Plateau Dr

City: Springfield State: OH ZIP: 45502

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

 dotloop verified
08/30/21 1:08 PM EDT
VECH-CBGL-4GOS-DW92

Signature of Applicant

Signature of Co-applicant

Thanh Le

Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 31 day of
August, 2021

by Rebecca A Carden (name of person acknowledged).

(seal)



REBECCA A CARDEN
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 07-25-25

Rebecca A Carden

Notary Public Signature

My commission expires: 7-25-2025



☒ Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 8.30.2021

Property address: 1220 E HOME RD, SPRINGFIELD, OH 45503

Requested Action: ☒ Conditional Use
☐ Interpretation of the Zoning Code or Map
☐ Change of a Nonconforming Use
☐ Other

Section of the Zoning code applicable: COMMERCIAL-CONDITIONAL USE

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

TO SUPPLY QUALITY SERVICE TO
SURROUNDING AREA

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

SEE ATTACHED EXHIBIT "A" FOR
ADDED DETAILS OF USE.
ADDING JOBS & CONVENIENCE

City of Springfield ■ Community Development Department ■ Planning & Zoning Division

Signature:

<i>Thanh Le</i>	dotloop verified 08/30/21 1:08 PM EDT FE4S-OQXR-YXKM-WX8I
-----------------	---

Applicant Date

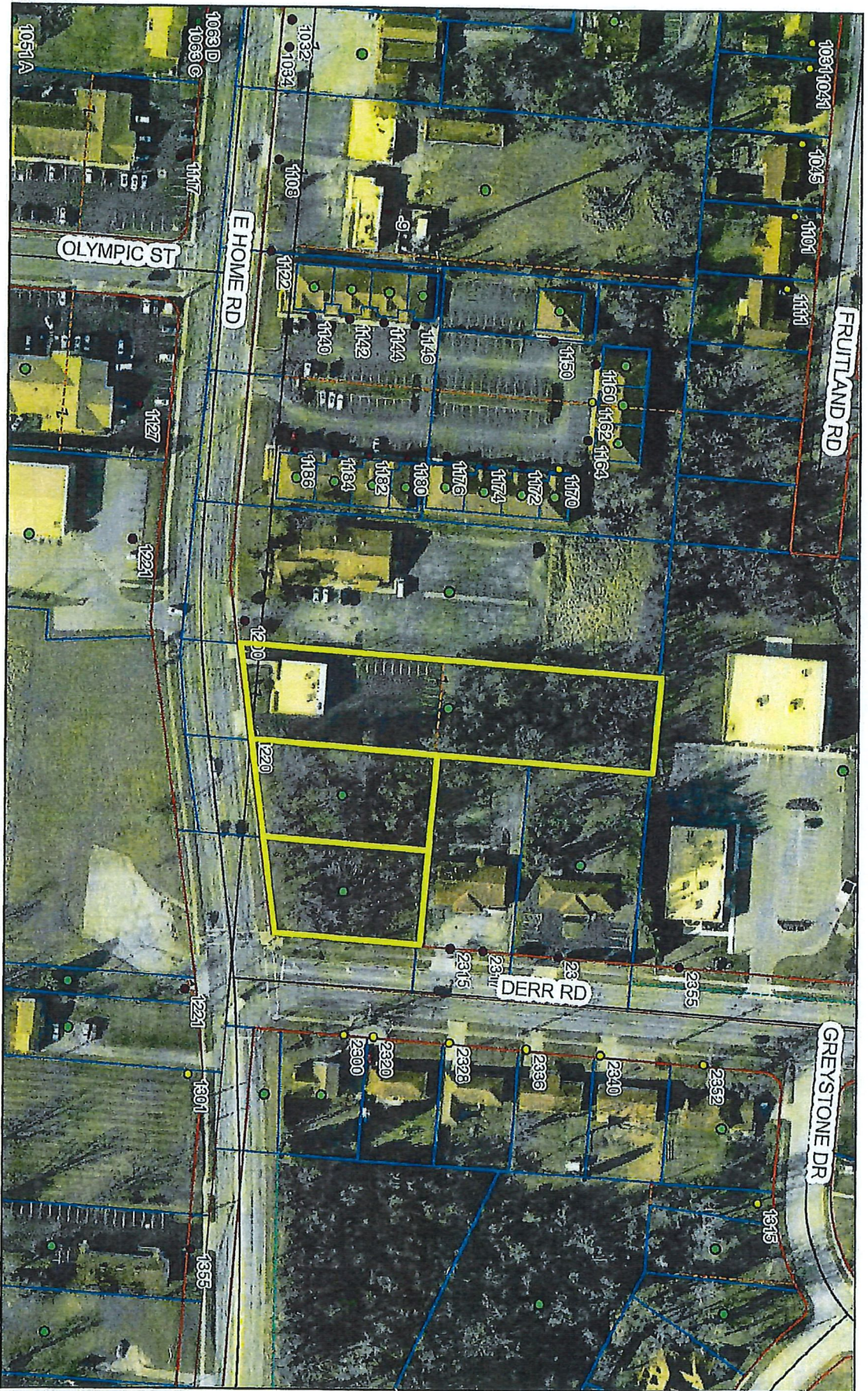
Please Print Name: Pho Xinh Co, LLC Thanh Le

EXHIBIT A

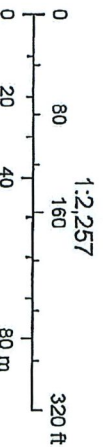
The purchaser of the property is planning to use the property as described below:

- The existing Office Building:
 - o This building will be used as an office building for the administrative offices of the purchasers trucking company named "Real Runna'Z LLC. US DOT 3589165.
 - o The warehouse lot for this business will be elsewhere.
 - o The area around the building will be changed very little.
- New Business:
 - o The site will be used to build a Convenience Store with gasoline dispensing, a quick serve restaurant, and a tunnel car wash.
 - o Convenience Store
 - Will be spacious and carry many convenience needs for local residents.
 - o Gasoline Service
 - Will offer Shell Brand gasoline and diesel fuel to residents in the area
 - o Quick Serve Restaurant
 - Will be known as "Louisiana Fried Chicken"
 - It will have carryout service and a few tables for eat-in service
 - o Car wash
 - Will be a high-quality tunnel car wash with vacuums for customer use
 - It will be located as shown on the submitted drawing beside the store and behind the office Building
- Site access and traffic
 - o We plan to close both the existing office building curb cuts on Home Road. In their place we will install one 35' curb cut with a left turn out lane, a right turn out lane, and an entrance lane. It will be located slightly toward the Home Road and Derr Road Intersection from the existing office building curb cut on that side of the building.
 - o We plan to add a similar curb cut to the site on Derr Road near the back of the lot.
 - o These curb cuts will not significantly affect traffic flow on either road.
- Employment
 - o To staff the C-Store, the restaurant, and the office for the trucking company will add significant jobs for the operation of the site.

Clark County Ohio GIS

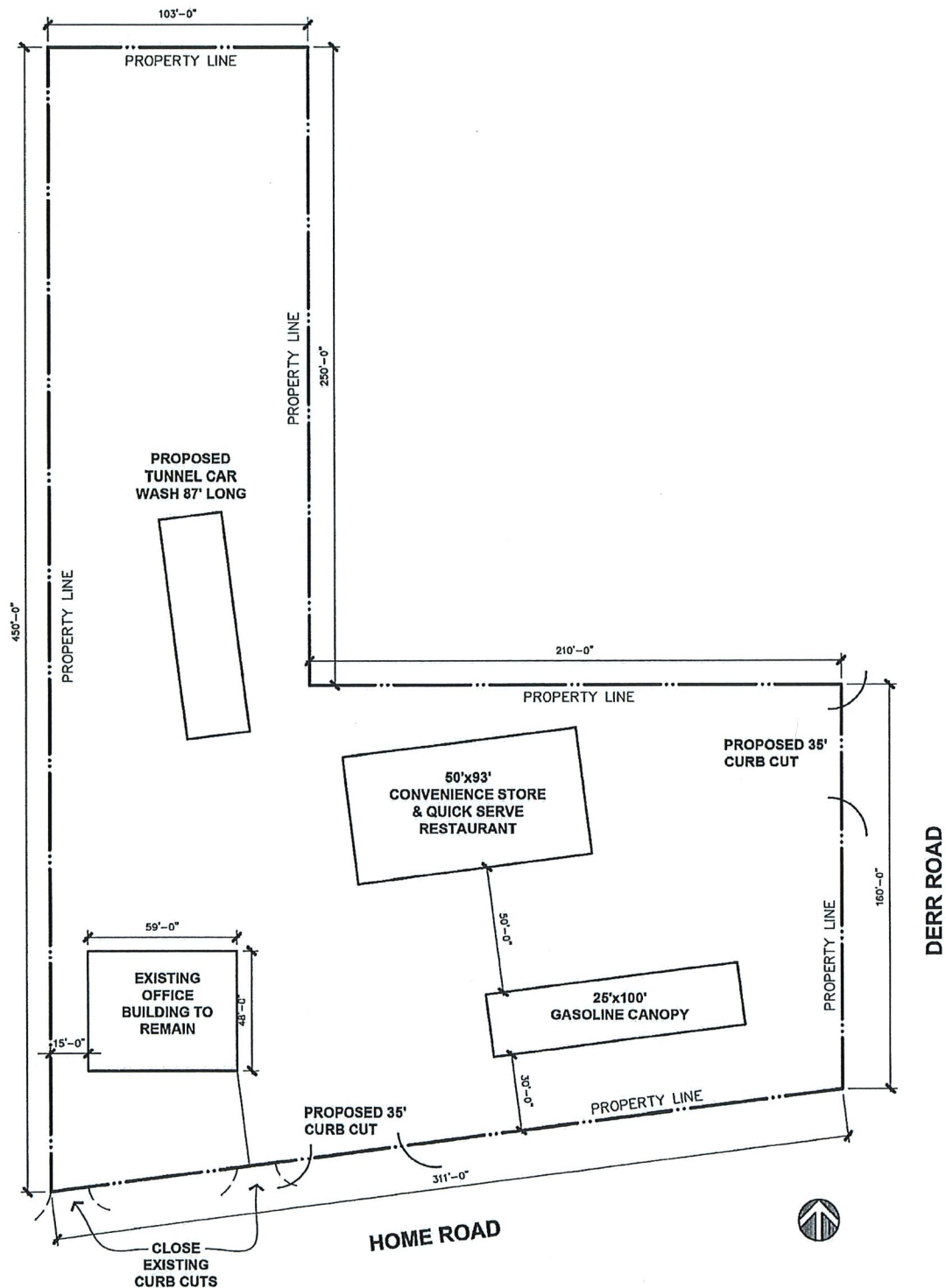


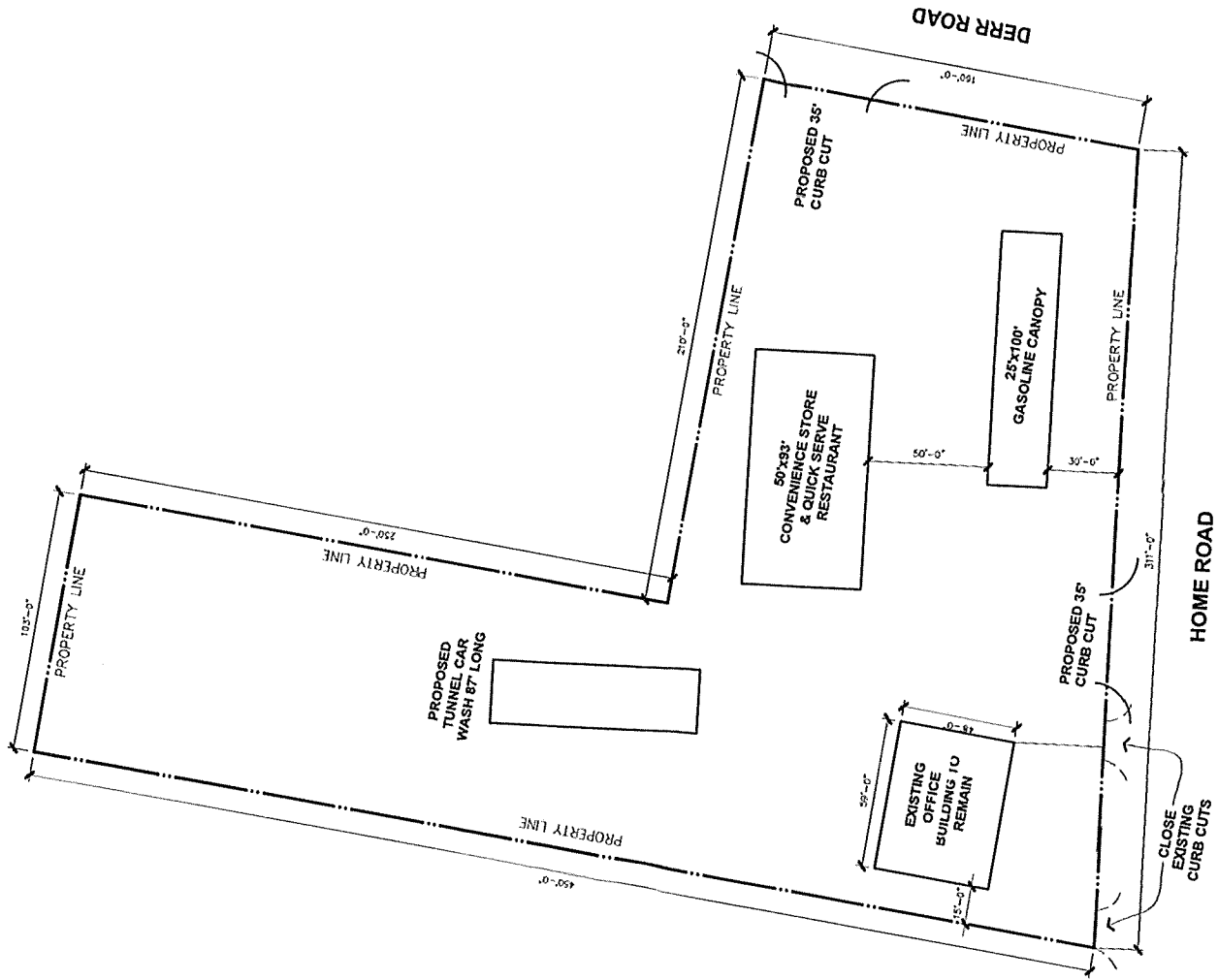
April 16, 2021



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Clark County GIS Department
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#21-A-37 Conditional use request at 1220 E Home Rd. 



#21-A-37 Conditional use request at 1220 E Home Rd.

2021 BOARD OF ZONING APPEALS ATTENDANCE

BOARD MEMBERS		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
		20	17	15	19	17	21	19	16	20	18	15	20
Dori Gaier Reso. 6048	5-11-2019 5-11-2012	P	P	P	A	P	P	A	P	P			
Denise Williams Reso. 6059	8-03-2019 8-03-2022	P	A	P	P	P	A	A	P	A			
Matthew Ryan Reso. 5839	7-28-2020 8-11-2023	P	A	A	P	P	P	P	P	P			
Mark Brown Reso. 5869	1-20-2018 3-13-2021	P	P	A	P	P	P	P	P	P			
James Burkhardt Reso. 5880	4-01-2018 3-31-2021	A	P	P	A	P	A	P	P	P			
Rhonda Zimmers Reso. 5914	1-5-2019 1-06-2022	P	P	P	P	A	A	P	A	P			
Charles Harris Reso. 6069	11-26-2019 3-26-2022	P	P	P	P	P	P	A	A	P			

NOTE: The first date shown is the original appointment/reappointment date. The second date represents the most recent term's expiration.
The City Commission Resolution is also listed.



Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION

City Planning Board
Regular Meeting - First Monday following the First Tuesday of the Month
7:00 P.M. - City Forum, City Hall, 76 E. High St., Springfield, Ohio

City Planning Board
Meeting Date:

January 11, 2021
February 8, 2021
March 8, 2021
April 12, 2021
May 10, 2021
June 7, 2021
July 12, 2021
August 9, 2021
September 13, 2021
October 11, 2021
November 8, 2021
December 13, 2021

**Lotsplit Variance,
Rezoning, and Final
Subdivision
Application
Deadline:**

December 21, 2020
January 15, 2021
February 12, 2021
March 22, 2021
April 19, 2021
May 17, 2021
June 21, 2021
July 19, 2021
August 23, 2021
September 20, 2021
October 18, 2021
November 22, 2021

Board of Zoning Appeals
Regular Meeting-Third Monday of the Month
7:00 P.M.- City Forum, City Hall, 76 E. High St., Springfield, Ohio

Board of Zoning

January 20, 2021 *
February 17, 2021 *
March 15, 2021
April 19, 2021
May 17, 2021
June 21, 2021
July 19, 2021
August 16, 2021
September 20, 2021
October 18, 2021
November 15, 2021
December 20, 2021

Application Deadline:

December 28, 2020
January 25, 2021
February 22, 2021
March 29, 2021
April 26, 2021
May 28, 2021
June 28, 2021
July 26, 2021
August 30, 2021
September 27, 2021
October 25, 2021
November 29, 2021

* Denotes meeting day changed to Wednesday due to holiday.

Effective Date: December 2020

Prepared by the Planning and Zoning Division

2021 CITY COMMISSION CALENDAR

JANUARY 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
MARCH 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
MAY 2021						
Su	M	Tu	W	Th	F	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31				Election Day	
JULY 2021						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
SEPTEMBER 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
NOVEMBER 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	Budget Mtgs		Election Day	

FEBRUARY 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						
APRIL 2021						
Su	M	Tu	W	Th	F	Sa
Retreat				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
JUNE 2021						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
AUGUST 2021						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
OCTOBER 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
DECEMBER 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	